

REMARKS

Claims 1, 4-9, 11, 12, 15-17, 19 and 20 are all the claims pending in the application, prior to the present Amendment.

Applicants have canceled claims 1, 4, 8, 9, 11 and 12. Thus, the claims that remain in the application are claims 5 to 7, 15 to 17, 19 and 20. Applicants have amended claim 5 to reinsert the word "and" which was inadvertently deleted in the Amendment Under 37 C.F.R. § 1.114(c) filed on April 8, 2010.

Claims 5, 6, 17, 19 and 20 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kinsho et al (US 2003/0125479 A1).

Applicants submit that Kinsho et al do render obvious the subject matter of the above claims and, accordingly, request withdrawal of this rejection.

The present invention as set forth in claim 5 is directed to a powdered resin composition for slush molding comprising a thermoplastic polyurethane resin powder (B) as the main component and a fine particle powder (E) of a vinyl type copolymer comprising a copolymer of an alkyl (meth)acrylate and a hydroxyl-containing vinyl type monomer and having a cross-linked structure as a powder flowability improver, wherein the fine particle powder (E) is not melted in the temperature range of 200 to 300°C, the resin powder (B) has a volume average particle diameter in a range from 70 to 300 µm and is capable of melting at 200 to 300°C, and the thermoplastic polyurethane resin powder (B) and the fine particle powder are dry-blended, wherein the fine particle powder (E) of a vinyl type copolymer is contained in an amount from 0.1% by weight to 1.5% by weight to the thermoplastic polyurethane resin powder (B).

The Examiner recognizes that Kinsho et al do not disclose the claimed composition with sufficient specificity to anticipate the claims, but argues that the claims are still obvious over the

disclosure. The Examiner states that if applicants argue that the claimed embodiments are not disclosed with sufficient specificity and that Examiner is picking and choosing with improper hindsight, the Examiner states that the mere fact that a reference suggests a multitude of possible combinations does not in and of itself make any one of those combinations less obvious.

In response, applicants submit that the present invention is not obvious from Kinsho et al because one must be motivated to do more than merely vary all parameters or try each of numerous possible choices until one possibly arrived at a successful result. Kinsho et al give either no indication of which parameters are critical or no direction as to which of many possible choices is likely to be successful.

Further, the Examiner states at page 3 of the Office Action, with respect to claim 5, that:

... Kinsho also discloses an additional process wherein the adherent resin particles (A) and resin particles (B) are separated from each other to give a mixed aqueous dispersion [0300] [applicants believe the Examiner intended to refer to [0300] instead of [0030] that appears in the Office Action] and a process wherein the aqueous dispersion is dried [0272]. This dried product appears to be identical to the product of applicant's claims."

This is incorrect. The process described in the paragraph [0300] of Kinsho et al is for the technology for preparing the aqueous dispersion (X2) of resin particles (B), as described in paragraph [0286]. The process is to remove resin particles (A) from the aqueous dispersion, as described in paragraph [0298]. The thus obtained aqueous dispersion (X2) is dried by the same methods as described in the paragraph [0272] to give the resin particles (B) as set forth in paragraph [0287]. Therefore, the dried product of Kinsho et al is the resin particles (B), and is not a mixture of resin particles (A) and resin particles (B).

Accordingly, the paragraphs of Kinsho et al pointed out by the Examiner do not disclose or suggest the product of applicants' claims. Further, no other part of the Kinsho et al specification discloses or suggests the product of applicants' claims.

The resin particles (C) of Kinsho et al comprise a resin particle (B) and a resin particle (A) adhered to the surface of (B), as disclosed in paragraph [0271]. To cleave the adherent resin particles (A) and (B) from each other in the aqueous dispersion (XI), the methods described in the paragraphs [0289]-[0293] of Kinsho et al are needed.

On the other hand, the present invention is produced by dry-blending. Thus, in the present invention a different product is produced from that of Kinsho et al. This is evident because, for example, contrary to the present invention, the resin composition of Kinsho et al does not have an anti-blocking property, which is recognizable from Example 1 of Kinsho et al (as a representative Example) wherein "an antiblocking agent [Sylloid 978, product of Fugida Davidson Chemical]" is added.

The bottom line is that Kinsho et al disclose in paragraph [0122] that:

... in an aqueous dispersion of resin particles (A) composed of resin (a) and, where necessary, the reaction of the precursor (b0) is carried out to form resin particles (B), whereby the resin particle (A) is adsorbed, as it forms, on the surface of the resin particle (B) to prevent coalescence of resin particles (B) among themselves or of resin particles (C) among themselves As a result, the particle diameter of resin particles (C) can be converged to achieve a more effective particle diameter uniformity.

On the other hand, the powdered resin composition of the present invention is a mixture of the resin powder (B) and the fine particle powder (E) as a powder flowability improver, wherein the resin powder (B) and the fine particle powder (E) are dry-blended.

In view of the above, applicants submit that Kinsho et al do render obvious the subject matter of the above claims and, accordingly, request withdrawal of this rejection.

Claim 16 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Kinsho et al (US 2003/0125479 A1) with further evidence provided by Toyama et al (US 4,686,138).

In addition, claims 7 and 15 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kinsho et al (US 2003/0125479 A1) in view of Suling et al (US 4,233,424).

Claims 16, 7 and 15 each depend from claim 5. Applicants submit that these claims are patentable over Kinsho et al at least for the same reasons that claim 5 is patentable over Kinsho et al. Toyama et al and Suling et al do not supply the above discussed deficiencies of Kinsho et al. Accordingly, applicants request withdrawal of these rejections.

Claims 1, 4, 9, 11, 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Kinsho et al (US 2003/0125479 A1) in view of Siol et al (US 5,714,261).

Further, claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Kinsho et al (US 2003/0125479 A1) in view of Siol et al (US 5,714,261) with further evidence provided by Toyama et al (US 4,686,138).

In addition, claims 1, 4, 8, 9, 11 and 12 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuura et al (US 5,906,704) in view of Siol et al (US 5,714,261).

As discussed above, applicants have canceled claims 1, 4, 8, 9, 11, 12. Accordingly, each of these rejections are now moot. Applicants therefore request withdrawal of these rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER

Date: September 17, 2010


Sheldon I. Landsman
Registration No. 25,430